

AMENDED IN SENATE MAY 25, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

AMENDED IN ASSEMBLY MARCH 15, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1883

Introduced by Assembly Member Evans
(Principal coauthor: Assembly Member Yamada)

February 16, 2010

An act to add and repeal Section 103628.4 of the Health and Safety Code, and to add and repeal Section 18309.7 of the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1883, as amended, Evans. Certified copies of vital records: fees: domestic violence.

Existing law requires the collection of fees for providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records.

Existing law authorizes the ~~county boards of supervisors of Contra Costa County and Alameda County; Board of Supervisors~~ and the City Council of the City of Berkeley, upon making certain findings and declarations, to authorize an increase in fees for certified copies of certain vital records, up to ~~a certain maximum amount~~ \$2. Existing law, until January 1, 2011, authorizes the Solano County Board of Supervisors, upon making certain findings and declarations, to authorize an increase in fees for certified copies of certain vital records, up to \$2. Existing law, until January 1, 2015, authorizes the Sonoma County Board of Supervisors, upon making certain findings and declarations,

to authorize an increase in fees for certified copies of certain vital records, up to \$2. Existing law authorizes the above-described county boards of supervisors and that city council to make further increases in fees each year, as specified. Existing law requires the fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill, until January 1, 2016, would authorize a county board of supervisors, upon making certain findings and declarations, to authorize an increase in fees of up to \$4 for certified copies of certain vital records. The bill would require that $\frac{1}{2}$ of the fee increase be allocated for purposes relating to domestic violence prevention, intervention, and prosecution and the other $\frac{1}{2}$ of the fee increase be allocated for nonprofit, community-based organizations that serve domestic violence victims and their families, as specified.

This bill, until January 1, 2016, notwithstanding the above-described authorization, would authorize the ~~county boards of supervisors of Contra Costa County and Alameda County; Board of Supervisors~~ and the City Council of the City of Berkeley, to authorize an increase in fees of up to \$2 for certified copies of certain vital records. This bill, until January 1, 2011, notwithstanding the above-described authorization, would authorize the Solano County Board of Supervisors, to authorize an increase in fees of up to \$2 for certified copies of certain vital records. This bill, until January 1, 2015, notwithstanding the above-described authorization, would authorize the Sonoma County Board of Supervisors, to authorize an increase in fees of up to \$2 for certified copies of certain vital records. The bill would require proceeds from the above-described fee increases to be allocated for nonprofit, community-based organizations that serve domestic violence victims and their families, as specified.

This bill would provide that when the authorization for the fee increase of up to \$2 ends for Solano County and Sonoma County on January 1, 2011, and January 1, 2015, respectively, the above-described provisions authorizing an increase in fees of up to a maximum of \$4 shall apply with respect to those counties.

This bill would require a county board of supervisors or the City Council of the City of Berkeley to direct, when appropriate, the local registrar, county recorder, and county clerk, to deposit the fees into a special fund, and would authorize a county or the City of Berkeley to retain up to 4% of the special fund for administrative costs, as specified.

This bill would require that, prior to using the fee proceeds, a county board of supervisors or the City Council of the City of Berkeley provide for public hearings and comment on the specific manner in which funds are to be used and confer with its local domestic violence shelter or shelters before determining the specific manner in which funds are to be used.

The bill would require a county board of supervisors or the City Council of the City of Berkeley to submit to the Assembly and Senate Committees on Judiciary, by February 1, 2015, a report regarding the above fee increases, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) According to the 2005 California Women’s Health Survey,
4 in California, 9.2 percent of women live in homes where domestic
5 violence abuse occurs and 40 percent of women experience
6 domestic violence in their lifetimes. Domestic violence is
7 ubiquitous and cuts across all economic and education levels and
8 all age groups, ethnicities, and other social and community
9 characteristics.
- 10 (b) According to 2006 statistics from the federal Bureau of
11 Justice Statistics, in nearly one-half of violent crimes in which the
12 victim and the aggressor are related, the aggressor is either the
13 spouse or ex-spouse of the victim. Fees for certified copies of
14 marriage certificates collected pursuant to this act will help
15 communities intervene and prevent domestic violence when the
16 aggressor is the ~~spouse or ex-spouse~~ *intimate partner* of the victim.
- 17 (c) According to the National Woman Abuse Prevention Project
18 in Washington, D.C., domestic violence puts children at risk.
19 Children born into families where domestic violence occurs are
20 physically abused or seriously neglected at a rate that is
21 significantly higher than the national average in the general
22 population. Fees for certified copies of birth certificates collected
23 pursuant to this act will help communities with the cost of ensuring
24 that children who are born into families with domestic violence
25 receive the help they need.

(d) Studies show more than 10 percent of women are victims of domestic violence during pregnancy. According to a January 2009 study published in *The Lancet* (a British medical journal), pregnant women who are assaulted by their spouses are 50 percent more likely to experience fetal loss, often repeatedly, than women who are not abused during pregnancy. Women who are battered during pregnancy are also more likely to die or have children who are born prematurely with low birth weights and intense medical needs. Fees for certified copies of fetal death certificates collected pursuant to this act will help communities with what it costs to ensure that pregnant women with violent spouses receive help, protection, and care for their unborn children and infants.

(e) Domestic violence is a learned behavior and *is* generational. Studies show that boys who witness family violence are 100 times more likely to batter their female partners and girls who witness their mother's abuse are more likely to be battered as adults.

(f) Domestic violence costs are high because, not only is there a toll on families emotionally and financially, but there are also direct and hidden costs to society. The most direct costs are the high costs of law enforcement, civil and criminal justice, and health services and other community-based services. Less direct and visible costs include job turnover, loss of productivity, school absenteeism, and low performance in school.

(g) For more than 30 years, a portion of marriage license fees have supported domestic violence shelters. However, these fees have been limited to nonprofit organizations that operate shelter facilities ~~to~~ *that exclusively house victims of domestic violence*. Due to funding reductions to domestic violence programs and an increasing demand for services, shelters ~~are unable~~ *need to be able* to partner with community-based organizations that provide critical services for preventing and stopping domestic violence, such as education and outreach programs, job counseling, free legal assistance and filing of restraining orders, job skills training programs, housing services, and culturally and linguistically appropriate counseling or assistance. Community-based domestic violence programs provide critical support services to domestic violence victims by raising awareness, which is the first step toward preventing and reducing family violence and getting the help they need to find stability, health, well-being, and justice.

(h) Domestic violence requires multifaceted intervention that encourages civil, criminal, health, and social service sectors to work together to align the objectives, protocols, policies, and activities of each sector. Achieving the alignment, which requires governmental oversight and coordination of multiple agencies involved in domestic violence matters, is an essential link in the comprehensive effort to eliminate domestic violence.

SEC. 2. Section 103628.4 is added to the Health and Safety Code, to read:

103628.4. (a) (1) Except as provided in paragraphs (2) to (4) (6), inclusive, a county board of supervisors, upon making findings and declarations on the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence and the need for funding for community-based domestic violence programs, may authorize an increase of up to four dollars (\$4) in fees imposed for providing certified copies of marriage certificates, birth certificates, fetal death records, and death records.

~~(2) Notwithstanding paragraph (1), the Contra Costa County Board of Supervisors, the Alameda County Board of Supervisors, and the City Council of the City of Berkeley, upon making findings and declarations on the need for funding for community-based domestic violence programs, may authorize an increase of up to two dollars (\$2) in fees imposed for providing certified copies of marriage certificates, birth certificates, fetal death records, and death records.~~

~~(2) Paragraph (1) shall not apply to the Contra Costa County Board of Supervisors.~~

~~(3) Notwithstanding paragraph (1), the Alameda County Board of Supervisors, upon making findings and declarations on the need for funding for community-based domestic violence programs, may authorize an increase of up to two dollars (\$2) in fees imposed for providing certified copies of marriage certificates, birth certificates, fetal death records, and death records.~~

~~(4) Notwithstanding paragraph (1), the City Council of the City of Berkeley, upon making findings and declarations on the need for funding for community-based domestic violence programs, may authorize an increase of up to two dollars (\$2) in fees imposed for providing certified copies of birth certificates, fetal death records, and death records.~~

~~(3)~~

1 (5) (A) Until January 1, 2011, notwithstanding paragraph (1),
2 the Solano County Board of Supervisors, upon making findings
3 and declarations on the need for funding for community-based
4 domestic violence programs, may authorize an increase of up to
5 two dollars (\$2) in fees imposed for providing certified copies of
6 marriage certificates, birth certificates, fetal death records, and
7 death records.

8 (B) On and after January 1, 2011, paragraph (1) shall apply with
9 respect to the Solano County Board of Supervisors.

10 ~~(4)~~

11 (6) (A) Until January 1, 2015, notwithstanding paragraph (1),
12 the Sonoma County Board of Supervisors, upon making findings
13 and declarations on the need for funding for community-based
14 domestic violence programs, may authorize an increase of up to
15 two dollars (\$2) in fees imposed for providing certified copies of
16 marriage certificates, fetal death records, and death records.

17 (B) On and after January 1, 2015, paragraph (1) shall apply with
18 respect to the Sonoma County Board of Supervisors.

19 (b) The fee increase authorization for certified copies of vital
20 records pursuant to paragraphs ~~(2) to (4)~~ (3) to (6), inclusive, of
21 subdivision (a), with respect to ~~the Contra Costa County Board of~~
22 ~~Supervisors~~, the Alameda County Board of Supervisors, the City
23 Council of the City of Berkeley, the Solano County Board of
24 Supervisors, and the Sonoma County Board of Supervisors, shall
25 be in addition to the fee increase authorization for those counties
26 and that city pursuant to Sections ~~103626~~, 103627, 103628, and
27 103628.2, respectively.

28 (c) Revenue from the fees authorized pursuant to subdivision
29 (a) shall be allocated pursuant to Section 18309.7 of the Welfare
30 and Institutions Code.

31 (d) If it elects to increase fees pursuant to this section, a county
32 board of supervisors or the City Council of the City of Berkeley
33 shall submit to the Assembly and Senate Committees on Judiciary
34 a report no later than February 1, 2015. The report shall contain
35 the following information:

36 (1) The annual amounts of funds received and expended from
37 fee increases.

38 (2) Outcomes achieved as a result of the activities associated
39 with the implementation of this section.

(e) This section shall remain in effect only until January 1, 2016, and as of that date is repealed.

SEC. 3. Section 18309.7 is added to the Welfare and Institutions Code, to read:

18309.7. (a) (1) A county board of supervisors shall direct the local registrar, county recorder, and county clerk to deposit fees collected pursuant to Section 103628.4 of the Health and Safety Code into a special fund.

(2) *The City Council of the City of Berkeley shall direct the local register to deposit fees collected pursuant to Section 103628.4 of the Health and Safety Code into a special fund.*

(3) *A county or the City of Berkeley may retain up to 4 percent of the fund for administrative costs associated with the collection and segregation of the additional fees and the deposit of these fees into the special fund.*

(b) Proceeds from the fee increase collected pursuant to paragraph (1) of subdivision (a) of Section 103628.4 of the Health and Safety Code shall be allocated as follows:

~~(1) One-half of the fee for governmental oversight and coordination of domestic violence and family violence prevention, intervention, and prosecution efforts among the court system, the district attorney's office, the public defender's office, law enforcement, the probation department, mental health, substance abuse, child welfare services, adult protective services, and community-based organizations and other agencies working in the county in order to increase the effectiveness of prevention, early intervention, and prosecution of domestic and family violence.~~

~~(1) One-half of the fee for governmental oversight and coordination of domestic violence prevention, intervention, and prosecution efforts in the county.~~

(2) One-half of the fee for nonprofit, community-based organizations that serve domestic violence victims and their families, including, but not limited to, organizations that serve underserved communities, including the lesbian, gay, bisexual, and transgender community, ethnic and racial communities, the disabled community, *teens*, and the elderly.

(c) Proceeds from the fee increase collected pursuant to ~~paragraph (2)~~ paragraphs (3) and (4) of, subparagraph (A) of paragraph ~~(3)~~ (5) of, and subparagraph (A) of paragraph ~~(4)~~ (6) of, subdivision (a) of Section 103628.4 of the Health and Safety

1 Code shall be allocated for nonprofit, community-based
2 organizations that serve domestic violence victims and their
3 families, including, but not limited to, organizations that serve
4 underserved communities, including the lesbian, gay, bisexual,
5 and transgender community, ethnic and racial communities, the
6 disabled community, *teens*, and the elderly.

7 (d) Funding available to nonprofit, community-based
8 organizations pursuant to paragraph (2) of subdivision (b) and
9 subdivision (c) shall be awarded to the organization through a
10 competitive request for proposal process.

11 (e) Prior to using the funds collected pursuant to Section
12 103628.4 of the Health and Safety Code, the county board of
13 supervisors or the City Council of the City of Berkeley shall do
14 both of the following:

15 (1) Provide for public hearings and comment on the specific
16 manner in which funds are to be used.

17 (2) Confer with its local domestic violence shelter or shelters
18 before determining the specific manner in which funds are to be
19 used.

20 (f) This section shall remain in effect only until January 1, 2016,
21 and as of that date is repealed.